

**DIVISION OF MEDICAID
POLICY UPDATE
August 2015**

ADMINISTRATIVE RULES

Docket 16-0316-1501	16-0316-1501 Premium Assistance - Chapter Repeal 2014 legislation (Session Law, Chapter 80) repealed existing state law to remove reference to the Children's Access Card Program. Idaho's Title XXI federally funded waiver, known as "premium assistance," was discontinued at the end of 2013, making this rulemaking non-negotiable to meet current laws and regulations.	
	Negotiated Rulemaking	None
	Negotiated Written Comment	None
	Published as temp/proposed	Proposed
	Comment period ends	8/26/15
	Changes to rules based on comment submitted to APS	
	Pending rule publish	11/4/2015

Docket 16-0309-1501	16-0309-1501 School-based Services and Therapy Services The rule changes are needed to clarify gaps that have been identified in these rules and adjust to changes in current Medicaid practice. Further, rule changes are needed to adjust requirements currently resulting in an unnecessary burden on providers in their efforts to remain in compliance with the rule. 1. Regarding School-Based Services: changes will be made to add clarification to program requirements, increase quality assurance activities, and remove unnecessary regulatory burden that has been identified by stakeholders statewide. 2. Regarding Therapy Services: changes will be made to define maintenance therapy and specify when it is covered, clarify descriptions of therapy aides and assistants to be consistent with the descriptions in the licensure board rules, clarify the type of supervision that is required, redefine the requirements for physician orders, address Tele Health (i.e., when it can be used, utilization management methods, quality control measures using the 2015 legislative statutes), and, define the criteria for feeding therapy.	
	Negotiated Rulemaking	Yes
	Negotiated Written Comment	Yes
	Published as temp/proposed	Proposed
	Comment period ends	9/23/2015
	Changes to rules based on comment submitted to APS	
	Pending rule publish	1/6/16

Docket 16-0309-1502	<p>16-0309-1502 Primary Care (PCMH)</p> <p>The Department is moving towards outcome based health care policy initiatives with the implementation of the legislative intent language passed by the 2015 Legislature. Current rules for primary care case management and for health homes need to be revised to support the new health care policy initiatives.</p> <p>The changes to these rules will provide for the services and provider reimbursement changes needed to support the new model of care for participants. Out dated language will be removed from these rules and other references needed to support the new model will be added.</p>	
	Negotiated Rulemaking	Yes
	Negotiated Written Comment	Yes
	Published as temp/proposed	Temporary/Proposed
	Comment period ends	8/28/15
	Changes to rules based on comment submitted to APS	
	Pending rule publish	1/6/16

Docket 16-0310-1501	<p>16-0310-1501 Enhanced Plan - HCBS</p> <p>These rule changes are needed to align with and implement new requirements in federal regulations that went into effect March 17, 2014, for Idaho's Home and Community Based Services (HCBS) offered through 1915(i), State Plan, and 1915(c) waiver authorities. The purpose of the regulations is to enhance participants' opportunity to receive services in the most integrated settings appropriate, and to increase their opportunities for choice and access to the benefits of community living.</p> <p>New rules pertaining to Home and Community Based Services will be added to ensure that participants receiving HCBS services live in and receive services in settings that comply with required qualities of settings, service delivery methods, and person-centered planning processes.</p>	
	Negotiated Rulemaking	Yes
	Negotiated Written Comment	Yes
	Published as temp/proposed	Proposed
	Comment period ends	10/28/15
	Changes to rules based on comment submitted to APS	
	Pending rule publish	1/6/16

Docket 16-0313-1501	<p>16-0313-1501 Consumer Directed Services - HCBS</p> <p>These rule changes are needed to align with and implement new requirements in federal regulations that went into effect March 17, 2014, for Idaho's Home and Community Based Services (HCBS) offered through 1915(i) and 1915(c) waiver authorities. The purpose of the regulations is to enhance participants' opportunity to receive services in the most integrated settings appropriate, and to increase their opportunities for choice and access to the benefits of community living.</p> <p>New rules pertaining to Home and Community Based Services will be added to ensure that participants receiving HCBS services live in and receive services in settings that comply with required qualities of settings, service delivery methods, and person-centered planning processes.</p>	
	Negotiated Rulemaking	Yes
	Negotiated Written Comment	Yes
	Published as temp/proposed	Proposed
	Comment period ends	10/28/15
	Changes to rules based on comment submitted to APS	
	Pending rule publish	1/6/16

Docket 16-0318-1501	<p>16-0318-1501 Medicaid Cost sharing</p> <p>These rule changes adjust the Personal Needs Allowance to ensure that Medicaid waiver participants are permitted a sufficient allowance within their financial eligibility calculation to rent or own a reasonably priced home or apartment without causing undue financial hardship. Negotiated rulemaking will be conducted in July and public meetings held in October. This rule to publish "Proposed Only" in October.</p>	
	Negotiated Rulemaking	Yes
	Negotiated Written Comment	Yes
	Published as temp/proposed	Temporary
	Comment period ends	10/28/15
	Changes to rules based on comment submitted to APS	
	Pending rule publish	1/6/16

Docket 16-0318-1501	16-0318-1501 Align third party liability with federal statute This rulemaking is needed for the Department to align state rules with federal statute for third-party liability regarding early and periodic screening and diagnosis services.	
	Negotiated Rulemaking	No
	Negotiated Written Comment	No
	Published as temp/proposed	Proposed/Pending
	Comment period ends	7/22/15
	Changes to rules based on comment submitted to APS	
	Pending rule publish	11/4/15

RULES COMING SOON-TEMP/PROPOSED
Autism Spectrum Disorder (ASD)

STATE PLAN AMENDMENTS TITLE XIX

- 13-019 MAGI Single State Agency (ACA XIX SPA Action 4)
Tribal Coordinator Notified 8/2/13
Submitted to CMS 10/8/13 - 90 day clock is 1/6/14
Informal RAI received 10/17/13 - responded 11/1/13
Additional questions received 11/25/13 - responded 11/26/13
Informal RAI #2 received 12/12/13- responded 12/19/13
Formal RAI received 12/24/13 - 90 day response date 3/24/14
Formal RAI response submitted 2/20/14 - new 90 day clock is 5/21/14
Formal RAI response withdrawn 5/8/14 - stopping clock
Submitted to CMS 09-14-15 - 90 day clock is 12/13/15
- 15-002 Single State Agency - Change to State Based Marketplace
Tribal Coordinator Notified 2/9/2015
Submitted to CMS 3/18/15 - 90 day clock is 6/16/15
Formal RAI received 6/11/2015
Submitted to CMS 09-14-15 - 90 day clock is 12/13/15
- 15-003 In-patient psychiatric hospital reimbursement
Tribal Coordinator notified 5/18/15
Submitted to CMS 6/25/15 - 90 day clock is 9/22/15
Informal RAI received 7-21-2015
Informal response submitted 8/12/15
- 15-004 In-patient hospital UPL
Tribal Coordinator notified 5/22/2015
Submitted to CMS 6/26/2015 - 90 day clock is 9/23/2015
Informal RAI received 7/27/15
Informal response submitted 8/12/15

SPA COMING SOON

Autism Spectrum Disorder (ASD)

HCBS

Pregnant Women?

PCCM

Health Home

PCCM reimbursement

STATE PLAN AMENDMENTS TITLE XXI

Title XXI-16 MAGI Income Eligibility Calculation
Submitted to CMS 6-25-14 - 90 day clock is 9-23-2015
[Approved 7-1-2015](#)

SPA COMING SOON

WAIVER ACTIVITY

WVR 15-01 IBHP (b) Waiver renewal
Tribal Coordinator Notified 3/18/15
Submitted to CMS 6/1/2015
Informal RAI received 6-11-2015
[RAI response submitted 6-16-2015](#)

WVR 15-04 Act Early Waiver Amendment
Submitted to CMS 6-29-15
Informal RAI received 7-17-15
[RAI response submitted 8-4-2015](#)

WAIVER AMENDMENTS COMING SOON

Autism Spectrum Disorder (ASD)

HCBS Waiver changes

Reimbursement changes for Adult DD Waiver (Supreme Court Decision)